

Chapter 5 Addendum: Use of SEPA Authority to Reduce Impacts of New Development

Introduction

One of the early actions King County will undertake is an increased use of the State Environmental Policy Act (SEPA) to better protect salmon habitat. SEPA requires environmental review of proposals before an agency commits to a particular course of action. Under appropriate circumstances, SEPA also authorizes agencies to condition or deny a proposal in order to mitigate its environmental impact.

King County is rightfully proud of the progressive regulatory controls it has developed to protect the environment in general, and salmon habitat in particular. Nevertheless, in light of the decline of healthy, harvestable salmon runs in the Puget Sound region and the imminent listing of chinook salmon, King County will evaluate its use of substantive SEPA authority and impose additional conditions on proposals necessary to further protect salmon habitat. This use of SEPA substantive authority is consistent with existing County policies, does not require changes to the state SEPA law or the County's SEPA ordinance, and can be accomplished within the general framework of permit review already in place.

Additionally, the County will explore its authority under SEPA to propose changes to the County's SEPA ordinance to improve salmon habitat protection. The County will use this approach to protect salmon habitat as an interim tool, while it completes its long-term plan for recovery under the WRIA planning process.

State Environmental Policy Act (Ch. 43.21C RCW) and Implementing Rules (WAC 197-11)

First adopted in 1971, the State Environmental Policy Act (SEPA) provided Washington State's basic environmental charter, committing the state to the policies of environmental concern and protection. Modeled after the National Environmental Policy Act (1969), SEPA gives state agencies and local governments the tools to allow them to both consider and mitigate for environmental impacts of proposals. Citizens, tribes, and interested agencies are provided the opportunity by the governmental entity to comment in most review processes prior to a final decision affecting the environment.

SEPA contains a number of broad policy statements, but little specific direction. Over the years, various councils and commissions were created to develop guidelines and rules. SEPA Guidelines were first adopted in 1976 as Chapter 197-10 WAC. In 1984, the Guidelines were replaced with SEPA Rules, which were adopted as Chapter 197-11 WAC. These rules were designed to reduce paperwork and duplication and improve predictability and the quality of environmental decision-making. One significant change in the 1984 legislation and implementing rules was a requirement that in order for an agency or local government to rely on SEPA to make substantive decisions, it must adopt the policies that it will rely on to condition or deny development proposals.

More recently, amendments to the SEPA rules were adopted in 1995, to integrate requirements of the Model Toxics Control Act and the Growth Management Act, and in 1997, to address requirements of 1995 legislation, ESHB 1724, Regulatory Reform. The goal of ESHB 1724 was to establish new approaches to make government regulation more effective, and to make it easier and less costly for citizens and businesses to understand and comply with requirements.

SEPA is intended to provide information to agencies, applicants, and the public to encourage the development of environmentally sound proposals. The environmental review process involves the identification and evaluation of probable environmental impacts and the development of mitigation measures that will reduce adverse environmental impacts. This environmental information, along with other considerations, is used by agency decision-makers to decide whether to approve a proposal, approve it with conditions, or deny the proposal. SEPA applies to actions made at all levels of government within Washington State.

The SEPA Rules provide the basis for implementing SEPA, and establish uniform requirements for all agencies. By opening up the decision-making process and providing an avenue for consideration of environmental consequences, agencies and applicants are able to develop better proposals. Agencies may also deny proposals that are environmentally unsound.

Environmental Review Process

The environmental review process involves a number of steps that are briefly described below.

1. **Provide a pre-application conference (optional).** Although not included in the SEPA Rules, agencies may offer a process for the applicant to discuss a proposal with staff prior to submitting a permit application or environmental checklist. The applicant and agency can discuss existing regulations that would affect the proposal, the steps and possible timeline for project review, and other information that may help the applicant submit a complete application.
2. **Determine whether SEPA is required.** Determine whether environmental review is required for the proposal by (a) defining the entire proposal, (b) identifying any agency actions (licenses, permits, etc.), and (c) deciding if the proposal fits one of the categorical exemptions. If the project does not involve an agency action, or there is an action but the project is exempt, environmental review is not required.
3. **Determine lead agency.** If environmental review is required, the “lead agency” is identified. This is the agency responsible for the environmental analysis and procedural steps under SEPA.
4. **Evaluate the proposal.** The lead agency must review the environmental checklist and other information available on the proposal and evaluate the proposal’s likely

environmental impacts. The lead agency and applicant may work together to reduce the probable impacts by either revising the proposal or identifying mitigation measures that will be included as permit conditions.

5. **Assess significance and issue a threshold determination.** After evaluating the proposal and identifying mitigation measures, the lead agency must determine whether a proposal would still have any likely significant adverse environmental impacts. The lead agency issues either a determination of nonsignificance (DNS), which may include mitigation conditions, or if the proposal is determined to have a likely significant impact, a determination of significance/scoping notice (DS/Scoping) is issued and the environmental impact statement (EIS) process is begun. The EIS will analyze alternatives and possible mitigation measures to reduce the environmental impacts of the proposal.
6. **Use SEPA in decision-making.** The agency decision-maker must consider the environmental information, along with technical and economic information, when deciding whether to approve a proposal. (RCW 43.21C.030(b)) Decision-makers may use SEPA substantive authority to condition or deny a proposal based on information in the SEPA document and the agency's adopted SEPA policies.

Categorical Exemptions

Categorical exemptions are types of projects or actions that are not subject to SEPA review. Proposals are categorically exempt because the size or type of the activity is unlikely to cause a significant adverse impact. (WAC 197-11-800(1) to (4)) Exemptions apply to minor construction activities and to some specific types of permits. Examples of exempt construction activities include construction of a single family dwelling, minor repair and maintenance, or minor road improvements. Examples of specific permit exemptions include issuance of business licenses, and some forest practice applications (Classes I, II, and III). The Legislature has also exempted some specific activities from the requirements of SEPA (statutory exemptions), such as water restoration projects under certain conditions.

Categorical exemptions do not apply if the project is a segment of a proposal that includes a series of related actions, some of which are exempt and some of which are not; or if it includes a series of exempt actions that together may have a probable significant adverse environmental impact. (WAC 197-11-305) Exemptions may also not apply within an area designated as a critical area.

Categorical Exemptions – Flexible Thresholds

Most categorical exemptions use size criteria to determine if a proposal is exempt. The SEPA Rules allow cities and counties to raise the exemption limit for minor new construction to better accommodate the needs in their jurisdiction. The exemptions may be raised up to the maximum specified in the SEPA Rules (WAC 197-11-800(1)(c)). For example, cities and counties may choose to exempt residential developments at any level between 4 and 20 dwelling units. The exemption for commercial buildings can range

between 4,000 to 12,000 square feet. These “flexible thresholds” must be designated through ordinance or resolution by the city or county. If this has not been done, the minimum level stands.

The exemption level set by the county or city will also apply when an agency other than the county or city is lead agency. A state agency or special district may need to consult with the county or city to identify the adopted exemption level for a particular area.

The exemptions for “minor new construction – flexible thresholds” *do not apply* if any portion of the proposal involves work on lands covered by water, if a license is needed for a discharge to air or water, or if a rezone is required. (WAC 197-11-800(1)(a) and (2))

Categorical Exemptions in Critical Areas

Cities and counties are required to designate critical areas under the Growth Management Act (GMA). Critical areas are wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. To ensure adequate environmental review of development within these areas, cities and counties may also designate in their SEPA procedures categorical exemptions that do not apply within each critical area. (Refer to WAC 197-11-908 for the list of exemptions that can be eliminated.)

If a project is not categorically exempt because it is located within a critical area, the environmental review is limited to:

- Documenting whether the proposal is consistent with the requirements of the critical areas ordinance;
- Evaluating any significant adverse environmental impacts not adequately addressed by the GMA planning documents and development regulations; and
- Preparing a threshold determination, and an EIS if necessary. (WAC 197-11-908)

Emergency Exemptions

An emergency exemption can be granted by a lead agency when (1) an action is needed to avoid an imminent threat to public health or safety, public or private property, or to prevent serious environmental degradation; *and* (2) there is not adequate time to complete SEPA procedures. Poor planning by the proponent should not constitute an emergency.

County SEPA Policies & Ordinances

Substantive authority and adopted policies/plans

The King County Council has exercised its authority under SEPA to adopt policies that may be used to exercise SEPA substantive authority (KCC 20.44.080). A wide range of county ordinances have been incorporated, including the King County Comprehensive Plan adopted pursuant to the Growth Management Act (KCC 20.12), Zoning Code (KCC

Title 21A), Shoreline Master Plan (KCC Title 25), and Surface Water Runoff Policy (KCC 9.04).

For development proposals within the urban growth area identified pursuant to the Growth Management Act, the County limits the use of SEPA substantive authority. For a specific list of regulations set forth in the County ordinance, SEPA substantive authority is generally limited to the application of those regulations. In cases where specific adverse environmental impacts are not addressed by the regulations, or where there are unusual circumstances, site-specific or project-specific mitigation may be imposed (KCC 20.44.080C.)

For development proposals outside the urban growth area, if there is a determination that existing development regulations will not mitigate the significant adverse environmental impacts, additional mitigation consistent with county, state, or federal law may be required.

Categorical exemptions

Under SEPA and the implementing rules, local governments may increase the thresholds for some categorical exemptions. King County has made the following changes to the categorical exemptions:

- Up to eight dwelling units, from the minimum of four.
- Agricultural structures covering up to 30,000 square feet in agricultural zones, or 15,000 square feet in other zones are exempt. The minimum is 10,000 square feet.
- Office, school, commercial, and similar types of buildings of up to 12,000 square feet floor area with parking for up to forty cars. The state minimum is 4,000 square feet and twenty cars.
- Landfills or excavations of up to 500 cubic yards, except in sensitive areas where the maximum is generally 100 cubic yards. The state minimum is 100 cubic yards.

The SEPA rules allow a local government to determine that some categorical exemptions do not apply within critical areas governed by the GMA. (WAC 197-11-908). King County has not exercised this authority.

County SEPA Review Process

Review of private development proposals occurs at the County's Department of Development and Environmental Services (DDes). This department applies the County's SEPA provisions consistently, and is staffed with professionals who have a high level of technical expertise and a broad understanding of the SEPA process.

Through SEPA, King County is responsible for determining the probability of the project posing a significant adverse environmental impact based on the information in the

environmental checklist and any additional information required, reasonably sufficient, to evaluate the environmental impact of a proposal. Mitigation measures are considered during this process to reduce the impact of the proposal so that it does not have and adverse impact on the environment.

For development proposals that are categorically exempt under SEPA, King County may still require sensitive area special studies to evaluate the proposal and its impacts on a sensitive area. DDES is authorized by KCC 21A.24.130 to require mitigation to protect sensitive areas and their buffers.

Other County departments act as the lead agency for SEPA compliance when they “sponsor” a County project. In addition, other public agencies outside the County government act as SEPA lead agencies when sponsoring proposals such as school district facilities, water or sewer district projects, and so forth.

Proposed Enhanced SEPA Review Process

Until King County can update its development regulations to provide enhanced protection for and conservation of habitat for salmon and other fish stocks listed as threatened or endangered under the Endangered Species Act, the County proposes to rely on its authority under SEPA to review and condition project proposals that will have an adverse impact on the conservation of these listed species.

King County is currently analyzing its existing regulatory authority to determine what changes to its development regulations are needed to improve their ability to assist salmon recovery. With the listing of Puget Sound chinook, and other salmon species as threatened under the Federal Endangered Species Act (ESA) a new set of permitting challenges emerges. In order to provide for the orderly and timely issuance of permits and approvals within unincorporated King County, the County will evaluate its current SEPA process and where deficiencies are identified, provide an enhanced review process that will provide a more rigorous science-based review of the potential impacts of development on threatened species and their habitats.

The proposed changes and budget request will be transmitted to the County Council to allow adequate time for legislative analysis and public input. It is anticipated that with the time needed for Council process and for hiring and training of staff, implementation of the enhanced SEPA review can begin in the fourth quarter of 1999.

Concurrently with the development of the Executive’s regulatory changes, permit application processes and resource needs will be identified and a proposed supplemental budget request prepared.

The enhanced review process would screen selected development proposals to identify those that are likely to have an impact on salmonids. A checklist or questionnaire will probably be used to identify the potential for specific impacts. The screening process will determine if there is a need for additional scientific evaluation or studies which will be

designed to determine the level of potential impact of the proposal on listed species and/or critical habitat.

The County's existing development regulations will be used to condition projects. Where the existing development regulations are not sufficient to mitigate the impacts identified by the studies, additional mitigation to reduce the impacts on the species and its habitat will be identified after analysis of the additional studies.

King County will also examine its roles and responsibilities as a lead agency as well as its process for environmental review of its own projects as a public works agency to ensure that in its own activities the County minimizes its impact on salmon habitat. The proposed process and timeline for this process is outlined in more detail in Attachment A.

Attachment A
Proposed Enhanced Review Evaluation Process
February 22, 1999

The Department of Development and Environmental Services (DDES) is responsible for issuing permits and approvals within unincorporated King County.

In order to address the listings of salmon under the Endangered Species Act, the County will conduct an evaluation of its permit review process and its implementation of SEPA to ensure that projects with a probable adverse impact on salmon receive appropriate review

The County will undertake the following process to implement this proposal:

- Identify the impacts that need to be addressed and establish criteria to identify the type of projects that need additional review
- Develop a list of mitigation options to reduce or eliminate the adverse impacts
- Identify interim regulatory changes that need to be made, if any, to be able to condition or mitigate problematic projects
- Review the permit process
- Evaluate Lead Agency Roles & Responsibilities
- Evaluate Public Project Process
- Determine county department resource needs

Identify Impacts and Criteria

King County will conduct an analysis, based on available information, to identify the types of projects that need additional scrutiny until updated development regulations can be adopted. The analysis will look at such factors as geographic location, size of a project, nature of a project, and other relevant factors.

Impacts of Concern

Impacts of concern to salmonids fall into one of three general categories: 1) impacts to the physical environment; 2) impacts to the chemical environment; and 3) impacts to the biological environment. (See Table 1) These general categories encompass the wide range of potential impacts to salmon, and are appropriate for considering the potential application of SEPA as an interim approach to compliance with ESA requirements.

Existing King County requirements, particularly the Environmentally Sensitive Areas Ordinance (SAO) and the Surface Water Drainage Manual (SWDM), provide a comprehensive level of protection for the County's natural resources. Review of current County requirements indicates that nearly all of the impacts of concern to salmonids are addressed to some extent by existing County development requirements. The areas of potential concern relating to ESA compliance (e.g., where additional regulatory scrutiny

may be appropriate) largely fall into one of three areas: Exemptions/variance; mitigation requirements; or monitoring requirements.

1. Exemptions/variances

A number of existing exemptions and/or variances allowed by the SAO and/or the SWDM may result in impacts to salmonids. These exemptions/variances are briefly described in the attached table, along with a general description of existing regulatory thresholds. Additionally, “emergency” exemptions will be evaluated. As an interim measure, SEPA could be applied in selected areas to lower existing thresholds when potential impacts to threatened or endangered species could occur.

2. Mitigation requirements

The SWDM notes: “Compliance with this manual should not be construed as mitigating all probable and significant stormwater impacts to aquatic biota in streams or wetlands, and additional mitigation may be required” (p. 1-15). SEPA could be used to strengthen mitigation requirements when existing regulations do not completely or comprehensively address mitigation to protect listed salmonids. The following table summarizes potential options for mitigation to be explored in greater detail over the next several months. A list of mitigation measures specifically tied to impacts of concern will be developed over the next few months with input from County and resource agency staff.

3. Monitoring requirements

SEPA could be used to strengthen post-development monitoring requirements, which would help to determine the effectiveness of newly implemented controls. The SEPA ordinance could be modified or amended to require performance monitoring of mitigation measures as part of the SEPA process, or conditions could be imposed requiring performance monitoring.

The County will conduct an analysis of the types of impacts that are of concern. The types of impacts that may be considered include at least the following: water temperature, dissolved oxygen, stream flows, turbidity, and buffer degradation. In addition, there will be a review of the physical components of the environment conducive to salmon protection, including channel structure and morphology.

Develop Criteria

Once the types of impacts are identified, the County will develop a set of criteria to determine the types of projects which can most effectively be regulated through SEPA review to provide habitat protection and which can more effectively be regulated through other means.

Product

A draft report identifying the impacts of concern and criteria to determine which types of projects may need additional review based on the specified impacts. These projects would then be subject to conditioning or mitigation based on known information.

Mitigation Options

Based on the impacts identified in the previous Analysis of Impacts and Criteria, the County will develop a suite of mitigation options or permit conditions that could be used to address specific impacts and promote recovery. It is anticipated that this suite of mitigation options will facilitate permit processing and provide applicants with information in which to better design their projects prior to application submittal.

Product: A draft matrix that identifies a suite of mitigation options for specific impacts on salmonid habitat. An example is provided as Table 1.

Regulatory Changes

Based on an analysis of its existing development regulations and SEPA processes, amendments to King County codes may be developed to provide the necessary authority for more stringent review of projects that could have an adverse impact on salmon. This may include an evaluation of the County's categorical exemptions.

Product: Draft proposed code amendments.

Permit Process

The County will evaluate its project review process and establish revised project review procedures to ensure that projects with the potential for impact on salmon receive the appropriate level of review. Based on the criteria developed to identify projects that may require additional scrutiny, a project applicant may be required to complete a questionnaire. The questionnaire will assist the applicant in determining what additional studies and additional information will be needed.

In its review of projects, the County will consider alternative approaches for review, such as establishing an interdisciplinary team to assess projects with a potential for an adverse impact on salmon habitat. The team could consist of staff experts from different agencies or of staff within a single agency – most likely DDES.

Product: A draft report that summarizes the revised permit process from pre-application to permit issuance and monitoring.

Lead Agency

Under SEPA and King County's SEPA procedures, a public agency proposing to undertake a project may act as the lead agency under SEPA to evaluate the environmental impacts of the proposal. Public agencies include other governmental entities, such as

school districts, public utility districts, cities, port districts, and sewer and water districts. King County will convene a meeting of the appropriate public agencies to evaluate the current process and its effectiveness in protecting against adverse impacts to salmon.

Product: Draft Report evaluating existing roles, responsibilities and processes and recommendations for improvement.

County Projects

King County departments proposing development actions subject to SEPA act as the lead agency under King County's procedures. As a result, SEPA review of county projects is spread throughout a variety of agencies. This may lead to inconsistency in the level of analysis. King County will evaluate the process it uses to conduct environmental review of development proposals by County departments and explore ways to ensure that environmental review and conditions imposed on development are consistent with the need to protect salmon habitat.

Product: Draft report evaluating existing process for environmental review of King County-sponsored projects and recommendations to improve the process, if any, including identification of resource needs and proposed budget request.

Resource Needs

King County will evaluate its current staff resources and provide either for adjustments in responsibilities or for hiring additional staff to conduct the enhanced review. King County also will explore the possibility of using outside professionals where appropriate.

The costs of the enhanced SEPA review process will partially be recovered through fees paid by the project applicant.

Product: Draft proposed Supplemental Budget Request including proposed changes to the Fee Ordinance if required.

Report and Recommendation

All draft reports will be reviewed and a final Executive Report and Recommendation for an Enhanced Review will be prepared and transmitted to the King County Council for approval.

Table 1. Impacts, Available Strategies and Possible Approaches to ESA Response
Impacts to Physical Environment

Impact	Current Regulatory Threshold	Areas for Potential Re-evaluation	Mitigation Options
Creates new impervious area	King Co. S.W.M. Design Manual: <ul style="list-style-type: none"> • 5,000 sf of new impervious surface • 2,000 sf in landslide hazard drainage area • 7,000 sf in rural zoned area subject to clearing limits • Up to two acres/35% of total site 	<ul style="list-style-type: none"> • Single-family residences adding less than 5,000 sf • Rural development currently falling below threshold in critical drainage areas • Cumulative impacts from single-family residences • Slowly-infiltrating surfaces (vs. impervious surfaces) 	<ul style="list-style-type: none"> • Reduce effective impervious area • Increased use of infiltration systems for all types of projects • Increase retention/detention requirements • Revise exemption criteria
Increases peak stream flows	<ul style="list-style-type: none"> • King Co. S.W.M. Design Manual requirements vary based on existing conditions 	<ul style="list-style-type: none"> • Exemptions may need to be revisited to address downstream cumulative impacts • Overall volume impacts to streams and salmonids (as opposed to peaks and duration) • Discharge into wetland or stream buffers; may be affecting spawning or rearing habitat 	<ul style="list-style-type: none"> • Limit flow rates to levels lower than pre-development conditions • Perform more comprehensive cumulative peak flow evaluation • Increased post-development monitoring
Reduces groundwater recharge	<ul style="list-style-type: none"> • King Co. S.W.M. Design Manual requirements for flow control • Requires three feet of permeable soil between bottom of facility and maximum wet-season water table 	<ul style="list-style-type: none"> • Infiltration system feasibility in soils with marginal permeability 	<ul style="list-style-type: none"> • Increased utilization of infiltration systems: unlined bioswales, “leaky” wetlands, etc.
Creates barriers or obstacles to fish passage	<ul style="list-style-type: none"> • King Co. S.W.M. Design Manual requirements based on flow capacity 	<ul style="list-style-type: none"> • Fish passage requirements may not be provided for all life stages of fish 	<ul style="list-style-type: none"> • Remove existing barriers • Design culverts to allow juvenile passage upstream/downstream
Increases potential for erosion/sedimentation	<ul style="list-style-type: none"> • King County Erosion and Sediment Control standards • SAO steep slopes, landslide, and erosion hazards 	<ul style="list-style-type: none"> • Flexibility in compliance for road/utility projects may warrant review • Some construction practices may be largely uncontrolled 	<ul style="list-style-type: none"> • Design of erosion/sedimentation controls to further reduce off-site sediment transport • Intensified requirements for construction monitoring

Impacts to Chemical Environment

Impact	Current Regulatory Threshold	Areas for Potential Re-evaluation	Mitigation Options
Contributes to reduction in levels of dissolved oxygen in receiving waters	King Co. S.W.M. Design Manual: <ul style="list-style-type: none"> No specific requirements for dissolved oxygen Lowered threshold for runoff to resource streams, sensitive lakes, or sphagnum bogs Exemptions for water quality requirements for areas with < 5,000 square feet pollution-generating impervious surface 	<ul style="list-style-type: none"> No specific requirements for streams or water bodies sensitive to low dissolved oxygen 	<ul style="list-style-type: none"> Increase enforcement of Clean Water Act: seasonally limit dissolved oxygen-demand in runoff to sensitive water bodies Increase post-development monitoring requirements
Contributes to increased stream temperatures during warm periods of the year	King Co. S.W.M. Design Manual <ul style="list-style-type: none"> No specific requirements for dissolved oxygen Lowered threshold for runoff to resource streams, sensitive lakes, or sphagnum bogs Exemptions for water quality requirements for areas with < 5,000 square feet pollution-generating impervious surface 	<ul style="list-style-type: none"> No specific requirements for streams or water bodies sensitive to seasonal temperatures Exemptions for surface area 	<ul style="list-style-type: none"> Review impervious area exemption Riparian zone buffer revisions (see Physical Environment) Comprehensive, system wide evaluation of temperature impacts Increase post-development monitoring requirements
Contributes toxic metals, organic constituents, or other compounds such as soaps to receiving waters	<ul style="list-style-type: none"> King Co. S.W.M. Design Manual controls limited to zinc 	<ul style="list-style-type: none"> No requirements for other metals, organic constituents, soaps Use of hazardous substances, pesticides, and fertilizers near water bodies or salmon habitat Unregulated use of soaps Use of metal drainage system components 	<ul style="list-style-type: none"> Expand water quality requirements to include copper, lead, organic constituents, and soap Increase post-development monitoring requirements

Impacts to Biological Environment

Impact	Current Regulatory Threshold	Areas for Potential Re-evaluation	Mitigation Options
Reduces riparian habitat	SAO buffer zones: <ul style="list-style-type: none"> 100 feet for Class 1 stream 100 feet for Class 2 stream with salmonids 50 feet for Class 2 stream 25 feet for Class 3 stream Special designations for Bear Creek 	<ul style="list-style-type: none"> Reduction of buffer widths for Class 2 streams through variances Tree removal outside buffer zones but within riparian corridors Exemptions for agriculture, utility and road activity, maintenance, and home additions 	<ul style="list-style-type: none"> Buffer zone widths more closely tied to ecological functions and values Revisit exemptions to provide more comprehensive protection of buffer zones Define reference points and mitigation performance standards Define reference points and performance standards to incorporate scientific findings
Alters channel shape and form	Exemptions: <ul style="list-style-type: none"> SAO stream development requirements SAO floodway requirements 	<ul style="list-style-type: none"> Absence of performance standards for mitigation of impacts to channel shape and form, flow regime, floodplain corridors Ditch maintenance that may alter channel 	<ul style="list-style-type: none"> Revisit exemptions and variances to limit stream crossings Provide additional monitoring requirements
Alters in-stream habitat	<ul style="list-style-type: none"> SAO stream development requirements Indirect impacts addressed by peak flow requirements in S.W.M. Design Manual 	<ul style="list-style-type: none"> Exemptions for agriculture, maintenance activities Inter-species interactions not addressed Intra-species interactions not addressed Stream crossing through or over salmonid habitat Bank stabilization to protect existing or permitted structures 	<ul style="list-style-type: none"> Increased limitations on stream crossings Revisit exemptions, partial exemptions, and increased limitations Develop reference standards and performance requirements for mitigation

Impact	Current Regulatory Threshold	Areas for Potential Re-evaluation	Mitigation Options
Reduces wetlands	<p>SAO wetland buffer requirements:</p> <ul style="list-style-type: none"> • Class 1 wetland shall have 100-foot buffer • Class 2 wetland shall have 50-foot buffer • Class 3 wetland shall have 25-foot buffer <p>Permitted alterations:</p> <ul style="list-style-type: none"> • If wetland does not provide valuable functions • No practical alternative • No significant adverse impacts 	<ul style="list-style-type: none"> • Currently no distinctions for wetlands that provide fish habitat • Breakdown for wetland types currently not addressed • Exemptions, encroachments into wetland buffers 	<ul style="list-style-type: none"> • Increased characterization of wetland type according to function • Increased protection for wetlands providing fish habitat • Revisit exemptions and variances to provide more comprehensive protection of wetland values and functions